grants with special conditions attached as in the case of the foreshore sites in front of the Shanmukham road.....' The Bill is only intended to remove some doubts with respect to the conditions inserted there.

Motion put and carried

Secretary to the Council : The Title of the Bill is The Government Land Grants Bill.

Mr. K. Achyuta Menon *(Diwan Peishkar) :* I request that the President may be pleased to suspend S. O. 32 and allow the Bill to be taken up for consideration.

Deputy President : Yes. The Standing Order is suspended.

Mr. K. Achyuta Menon *(Diwan Peishkar):* I move that the Government Land Grants Bill be taken up for consideration.

Mr. C. A. Kunjunni Raja *(Advocate-General) :* I second it.

Motion put and carried

Clauses 2 and 3 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. K. Achyuta Menon *(Diwan Peishkar) :* I move that the Bill be taken up and finally passed tomorrow.

Motion put and carried

The Cochin Tea Cultivation Restriction Act Amendment Bill ‡

Mr. C. A. Kunjunni Raja *(Advocate-General) :* I move that the Cochin Tea Cultivation Restriction Act Amendment Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government) :* I second it.

Mr. C. A. Kunjunni Raja *(Advocate-General) :* The statement of Objects and Reasons has made the necessity of the Act very clear. It will be seen that the Tea Cultivation Restriction Act, V of 1110 was enacted to implement the agreement entered into with the Government of India in the matter of the Tea Restriction Scheme. The Indian Act has been recently amended and it is found necessary to incorporate those changes in our Act. I have nothing further to add.

Mr. V. J. Mathai *(Planters) :* Sir, as a member representing the interest of the planters, I have been ascertaining the opinion of the different planters. Everybody knows that their number is very small, but at the same time they have been investing very large amounts. I am asked to support the Bill in its entirety and I should

‡ Appendix VI

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support the Bill just for the sake of the planters. In the words of Mr. Arthur Hall, restriction of arrangement is not endangered in any way. I feel it my duty to support the Bill.

Motion put and carried

Secretary to the Council : The Title of the Bill is The Cochin Tea Cultivation Restriction Act Amendment Bill.

Mr. C. A. Kunjunni Raja *(Advocate-General):* I request that the President may be pleased to suspend S. O. 32.

Deputy President : Yes.

Mr. C. A. Kunjunni Raja *(Advocate-General) :* I move that the Cochin Tea Cultivation Restriction Act Amendment Bill be now taken up for consideration.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried

Clauses 2 to 5 put and carried

Clause 1 put and carried

Title and Preamble put and carried

Mr. C. A. Kunjunni Raja *(Advocate-General):* I move that the Bill may be taken up and finally passed tomorrow.

Motion put and carried

The Cochin Tenancy Act Amendment Bill

Mr. K. Achyuta Menon *(Diwan Peishkar):* I move that the Cochin Tenancy Act Amendment Bill be read in Council.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried

Secretary to the Council : The Title of the Bill is The Cochin Tenancy Act Amendment Bill.

Mr. P. Govinda Menon *(Mulakunnathukavu):* I would suggest an amendment. There is the word "described". That may lead to difficulties. Instead of that, I would suggest the words "bearing the name".

Mr. K. Achyuta Menon *(Diwan Peishkar):* I find this word in various reports. I think it is the correct legal language. It is perfectly right and there will not be any difficulty at all.

Mr. P. Govinda Menon *(Mulakunnathukavu):* This will make the meaning perfectly clear.

Mr. M. Sivarama Menon *(Ernakulam):* The word "called" would be better.

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APPENDIX VI

THE COCHIN TEA CULTIVATION RESTRICTION ACT (AMENDMENT) BILL

Preamble.—Whereas it is expedient to amend the Cochin Tea Cultivation Restriction Act, V of 1110; It is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called the Cochin Tea Cultivation Restriction (Amendment) Act of 111 and shall come into force at once.

2. *Substitution of a new section for section 3.*—For section 3 of the Cochin Tea Cultivation Restriction Act, V of 1110, hereinafter referred to as the Act, the following shall be substituted.—

"3. *Method of control of extension of tea cultivation.*—So long as this Act remains in force, no one shall plant tea in any land which was not planted with tea on the 31st day of March 1938 save in pursuance of a written permission granted by or on behalf of Government or the Licensing Authority:

Provided that this section shall apply to replacing of tea areas by planting new areas, but nothing in this section shall prohibit the infilling of or supplying of vacancies on land planted with tea at the 31st day of March 1933 or the replanting of tea upon—

(*i*) Land planted with tea at the 31st day of March 1933 from which the original bushes have been uprooted,

or

(*ii*) Land planted with tea at the 31st day of March 1931 from which the original bushes have been uprooted.

3A. (1) *Limitations to the extension of tea cultivation.*—Subject to the provisions of section 3C and section 3D the total area of land in Cochin in respect of which the permissions referred to in section 3 may be granted shall not exceed one half of one per cent of the total area of the land planted with tea in Cochin on the 31st day of March 1938.

(2) The Government or the Licensing Authority shall determine the total area of land in Cochin in respect of which such permissions may be granted and shall publish the same by a notification in the Cochin Government Gazette as soon as may be after the commencement of this Act.

(3) The Government or the Licensing Authority shall grant permission for planting new areas to the tea estates in accordance with rules to be prescribed up to the total area determined under sub-section (2) provided that permission shall be granted to extend an existing area planted with tea only to a tea estate of which the total existing area planted with tea does not exceed 300 acres where the estate is owned by a limited liability company or 150 acres where it is owned by any individual proprietor or proprietors.

3B. (1) *Grant of permission to plant tea.*—Applications for permission to plant tea on any land not planted with tea on the 31st day of March 1938 shall be made to the Government or the Licensing Authority not later than the last day of June 1940, and shall

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contain a clear statement of all special circumstances justifying the application.

(2) Subject to the limits laid down in section 3A Government or the Licensing Authority may grant or refuse the permission applied for or may grant it in part only or may call for further information from the applicant.

3C. (1) *Grant of permission to plant tea in special circumstances.*—Where any land which was on the 31st day of March 1933 planted with tea—

(*a*) has since become wholly incapable of carrying tea through subsidence, flood, erosion, earthquake, or other irresistible superhuman cause, or

(*b*) has since been compulsorily acquired under the provisions of the Land Acquisition Act, II of 1070 or of any other law for the time being in force, and no longer carries tea, the owner of the tea estate in which such land was situated may apply to the Government or the Licensing Authority for permission to plant tea on land not planted with tea.

(2) Upon such application being made and upon proof to the satisfaction of the Government or the Licensing Authority that the applicant is entitled to the benefit of sub-section (1), the Government or the Licensing Authority may grant permission to plant tea on land not planted with tea:

Provided that the area of land in respect of which such permission is granted shall be within the area of the same tea estate and shall not exceed in extent the area of the land incapable of carrying tea or compulsorily acquired, as the case may be.

(3) All areas of land in respect of which permission to plant tea is granted under this section shall be excluded when computing for the purpose of section 3A the total area of land in respect of which the permissions referred to in section 3 may be granted.

3D. *Tea Nurseries.*—(1) Subject to the provisions of sub-section (4) the owner of a tea estate may establish nurseries on land not previously planted with tea for the growing of plants intended for infilling or supplying vacancies or for replanting land planted with tea within the area of the estate or for any other purpose approved by the Government or the Licensing Authority:

Provided that the total area utilised for nurseries in Cochin shall not upon the 31st day of March 1943 exceed the area so utilised in Cochin on the 31st day of March 1933.

(2) All areas of land utilised for nurseries in accordance with this section shall be excluded when computing for the purpose of section 3A the total area of land in respect of which the permissions referred to in section 3 may be granted.

(3) The Government or the Licensing Authority may at any time serve by Anchal or Post a notice upon the owner of any tea estate or upon its manager requiring him to furnish within such period not being less than 30 days as may be specified in the notice such returns relating to the area of the land utilised for nurseries as it may deem necessary.

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(4) If any return required under sub-section (3) is not furnished to the Government or the Licensing Authority, as the case may be, within the period specified in the notice or if in the opinion of Government or the Licensing Authority the total area of the land utilised for nurseries is excessive, Government or the Licensing Authority may make such restrictive or other order as it deems necessary and in particular may order the uprooting of any bushes planted on any such land."

3. *Amendment to section 9.*—In section 9 of the Act, for the words and figures "section 8, sub-section (1)", the words and figures "sub-section 3 of section 3 D or sub-section (1) of section 8" shall be substituted.

4. *Amendment to section 11.*—In section 11 of the Act for the words "Whoever plants or causes to be planted tea" the words "Whoever knowingly plants tea or causes tea to be planted" shall be substituted.

5. *Addition of a new section.*—After section 11 the following shall be inserted as section 11 A.—

"Whoever uses any land in contravention of any order made by Government or by the Licensing Authority under section 3 D or fails to comply with any order made by Government or by the Licensing Authority under sub-section (4) of section 3 D shall be punishable with fine which may extend to one thousand Rupees.

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